



3764

PTO/SB/21 (08-03)

Approved for use through 08/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|   |                      |                        |            |
|---|----------------------|------------------------|------------|
| <b>TRANSMITTAL FORM</b><br><br>(to be used for all correspondence after initial filing) | Application Number   | 10/087,562             |            |
|   | Filing Date          | March 1, 2002          |            |
|   | First Named Inventor | Richard K. Meissner    |            |
|   | Art Unit             | 3764                   |            |
|   | Examiner Name        | Fenn C. Matthew        |            |
| Total Number of Pages in This Submission  | 2                    | Attorney Docket Number | 4692-00001 |

| ENCLOSURES (Check all that apply)  |  |  |
|--|--|--|
| <input type="checkbox"/> Fee Transmittal Form<br><input checked="" type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance communication to Technology Center (TC)<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Return Receipt Postcard |
| <div>Remarks</div> <div><b>RECEIVED</b><br/><b>MAR 31 2004</b><br/>TECHNOLOGY CENTER 3700</div>  |  |  |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |   |
|--|---|
| Firm or Individual name                    | ANDRUS, SCEALES, STARKE & SAWALL, LLP<br>100 East Wisconsin Avenue, Suite 1100<br>Milwaukee, WI 53202 |
| Signature                                  |   |
| Date                                       | 3/23/2004   |

| CERTIFICATE OF TRANSMISSION/MAILING   |                    |      |           |
|---|--------------------|------|-----------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. |                    |      |           |
| Typed or printed name   | Christine S. Lewis |      |           |
| Signature   |                    | Date | 3/23/2004 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Application No. 10/087,562  
Response Dated March 23, 2004  
Reply to the Office Action dated March 9, 2004

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

App'n. No. : 10/087,562  
Applicant : Richard K. Meissner  
Filed : March 1, 2002  
Title : Artificial Rock  
Climbing Arrangement  
Adapted For Water  
Environment  
TC/A.U. : 3764  
Examiner : Fenn C. Matthew  
Docket No. : 4692-00001

CERTIFICATE OF MAILING

) I hereby certify that this correspondence is  
) being deposited with the United States  
) Postal Service with sufficient postage as  
) first class mail in an envelope addressed to:  
) Commissioner For Patents, P.O. Box 1450,  
) Alexandria, VA 22313-1450, on this 23rd  
) day of March, 2004.

*Christine S. Lewis* 3-23-04  
Christine S. Lewis Date

RESPONSE TO ELECTION OF SPECIES REQUIREMENT UNDER 35 U.S.C. § 121

Mail Stop: No Fee  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RECEIVED**

**MAR 31 2004**

TECHNOLOGY CENTER 3700

Sir:

In response to the Office Action dated March 9, 2004 applicant elects the single species of claim 13 covered by Figs. 3 and 4. Such election is made without traverse.

Examination on the merits is respectfully requested.

Respectfully submitted,

ANDRUS, SCEALES, STARKE & SAWALL, LLP

By

*William L. Falk*  
William L. Falk  
Reg. No. 27,709

Andrus, Sceales, Starke & Sawall, LLP  
100 East Wisconsin Avenue, Suite 1100  
Milwaukee, Wisconsin 53202  
Attorney Docket No.: 4692-00001